



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 33949619

Date: NOV. 22, 2024

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Alien Workers (Extraordinary Ability)

The Petitioner, a downhill longboard athlete, seeks classification as an individual of extraordinary ability. *See* section 203(b)(1)(A) of the Act, 8 U.S.C. § 1101(a)(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Texas Service Center denied the petition. The Director concluded that the record established that the Petitioner satisfied the initial evidentiary requirements for this classification, but did not demonstrate, as required, that he has sustained national or international acclaim and is one of that small percentage at the very top of the field. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter *de novo*. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will dismiss the appeal.

## I. LAW

Section 203(b)(1)(A) of the Act makes visas available to immigrants with extraordinary ability if they: (i) have extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and their achievements have been recognized in the field through extensive documentation; (ii) seek to enter the United States to continue work in the area of extraordinary ability; and (iii) demonstrate their work offers substantial prospective benefits to the United States.

The term “extraordinary ability” refers only to those individuals in “that small percentage who have risen to the very top of the field of endeavor.” 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate international recognition of his or her achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If a petitioner does not submit this evidence, then they

must provide sufficient qualifying documentation that meets at least three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x) (including items such as awards, published material in certain media, and scholarly articles).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

## II. ANALYSIS

The Petitioner is a downhill longboard athlete who has received several medals in competitions held in his home country of Argentina, competed internationally, and served as a judge for downhill longboard events. He indicates that he intends to continue training and competing as an athlete in the United States.<sup>1</sup>

### A. Evidentiary Criteria

Because the Petitioner has not indicated or established that he has received a major internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). The Petitioner claimed that he could meet five of the ten eligibility criteria, specifically, the criteria at 8 C.F.R. § 204.5(h)(3)(i)-(v).

The Director evaluated the evidence submitted in support of all five claimed criteria and concluded that the Petitioner did not demonstrate that he has been a member of associations that require outstanding achievements as a condition for membership or that he has made original athletic contributions of major significance in his sport. *See* 8 C.F.R. § 204.5(h)(3)(ii) and (v). However, the Director determined that the Petitioner submitted evidence that satisfies the plain language of the criteria at 8 C.F.R. § 204.5(h)(3)(i), (iii) and (iv), and therefore proceeded to a final merits determination. The Director denied the petition, concluding that the Petitioner did not demonstrate that he has achieved the required sustained national or international acclaim and that he is among the small percentage of athletes at the top of his field.

Upon review, the record supports the Director's determination that the Petitioner met the criterion at 8 C.F.R. § 204.5(h)(3)(iv) by documenting his participation as a judge in two downhill longboard competitions held in Argentina in 2018 and 2022, respectively. However, for the reasons discussed below, we conclude the Petitioner has not demonstrated that he meets at least three of the five claimed criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x).

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<sup>1</sup> The record indicates that the Petitioner was admitted to the United States as a treaty investor in E-2 nonimmigrant classification in August 2021 and maintained this status at the time he filed this petition in February 2024.

*Documentation of the individual's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor.* 8 C.F.R. § 204.5(h)(3)(i)

The Petitioner initially claimed eligibility under this criterion based on his achievement of four first and second place finishes in downhill longboard competitions held in Argentina between 2011 and 2015. As evidence of these achievements, he submitted the following award certificates:

- First place in the “Open Downhill Category” at the [redacted] Championship held in [redacted] Argentina in [redacted] 2011, organized by [redacted]
- First place in the “Skate Downhill discipline” at the [redacted] National Championship held in [redacted] 2015, issued by the municipality of the [redacted] Argentina.

The Petitioner provided a third award certificate intended to document his receipt of a second-place finish at the [redacted] 2012” National Championship held in [redacted]. However, this certificate was not accompanied by an English translation, as required by 8 C.F.R. § 103.2(b)(3). Finally, the Petitioner indicated that he achieved a first-place finish in the 2014 [redacted] Championship held in [redacted] Argentina. In lieu of providing a copy or photo of the award or official competition results, the Petitioner provided a letter from the event manager of the [redacted] indicating that he won the event in 2014.

In a request for evidence (RFE), the Director acknowledged that the Petitioner submitted sufficient evidence to demonstrate his achievement of first place finishes in the 2011 [redacted] Championship and the 2015 [redacted] National Championship. However, the Director advised the Petitioner that the initial evidence, which included the award certificates and letters from the event organizers, was insufficient to demonstrate that either of these awards is recognized on a national or international level. The Director advised the Petitioner of additional evidence he could submit in support of this criterion.

In response to the RFE, the Petitioner submitted additional evidence related to the awards he received in 2011 and 2015. He did not supplement the record with additional evidence related to the [redacted] 2012 National Championship or the 2014 [redacted] Championship. We agree with the Director’s determination that the initial evidence regarding the 2012 and 2014 awards was insufficient to demonstrate his receipt of these awards, nor does the record contain evidence demonstrating the level of recognition associated with them. Accordingly, he did not establish that either of those awards satisfies the plain language of this criterion.

Turning to the Petitioner’s evidence related to the 2011 [redacted] Championship, the record includes a letter from [redacted] the president of [redacted] the organizer of the race. He states that this competition has been held annually since 2011 and “has grown to be internationally recognized.” Mr. [redacted] also explains the “rigorous process” the organizers use to choose competitors and states that the Petitioner competed against “distinguished names in the sport from around the world.”

In response to the RFE, the Petitioner submitted additional evidence related to the event, including a promotional publication from the organizer and completed scoring sheets which show the Petitioner’s

progression through several rounds of competition to reach the final. The Petitioner also submitted a letter from the owner of [REDACTED] one of the brand sponsors of the event, who describes the event as “a highly influential event recognized nationally and internationally” and one which “garners media attention.” Finally, the Petitioner provided a second letter from Mr. [REDACTED] who highlighted the number of spectators drawn to the race and the caliber of its corporate sponsors as evidence of its national or international recognition.

Here, the evidence of the national or international recognition associated with the Petitioner’s prize at the 2011 [REDACTED] Championship is limited to statements provided by the event’s own organizer and brand sponsor. While this criterion does not require an award or prize to have the same level of recognition or prestige associated with a Nobel Prize or other award that would qualify as a one-time achievement, we note that, according to USCIS policy guidance, examples of qualifying awards may include “certain awards from well-known national institutions or well-known professional associations” and awards presented by major sports leagues that “garner national or even international media coverage.” *See generally* 6 USCIS Policy Manual F.2(B)(1), <https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-2> (discussing how USCIS evaluates initial evidence of eligibility under the criteria at 8 C.F.R. 204.5(h)(3)(i)-(x)).

Here, the evidence does not contain evidence demonstrating that [REDACTED] is a well-known organization with a national or international reputation, or that this organization or the events it sponsors are affiliated with national or international associations or federations in the sport which are identified in the record as the Argentine Longboard Association (AAL), the Argentine Skating Confederation, and the International Downhill Federation (IDF). Although the submitted letters emphasize that the [REDACTED] Championship sponsored by [REDACTED] is only held once a year, the record reflects that other events held in Argentina are similarly billed as [REDACTED] Championships.”

Further, although the letter from [REDACTED] indicates that the [REDACTED] Championship sponsored by [REDACTED] “garners media attention,” the record lacks corroborating documentation, such as evidence of contemporaneous media coverage of the 2011 competition in which the Petitioner competed. While the statements of the event organizer and sponsor are not without weight, these assertions alone are insufficient to satisfy the Petitioner’s burden. The record does not contain sufficient corroborating evidence of the level of recognition associated with the Petitioner’s first-place prize from this event.

We have also considered the Petitioner’s claim that his first-place finish at the 2015 National Championship [REDACTED] is a nationally or internationally recognized prize or award. As noted, he submitted a copy of his award certificate, which appears to have been issued by the local government of [REDACTED] Argentina. The Petitioner submitted a letter from [REDACTED] who states he is the tournament organizer for the [REDACTED] Festival. He states that the National Championship [REDACTED] is organized by [REDACTED] Festival, sponsored by [REDACTED] and has been held annually since 2013, attracting “well-known and accomplished athletes and teams across Argentina.” The letter describes the field of competition and the judging criteria, and states that the championship is “nationally recognized.”

In response to the RFE, the Petitioner submitted a second letter from Mr. [REDACTED] as well as a letter from [REDACTED] owner of [REDACTED] one of the event sponsors. In the updated letter, Mr. [REDACTED] stated that the annual National Championship [REDACTED] “attracts the country’s top competitors” and “promotes the development of the sport within the country and on the international stage by receiving national media attention.” In his letter, Mr. [REDACTED] also highlights the media attention attracted by the event noting that such attention has the effecting of “boosting our brand and showcasing the importance of the competition.”

Although the record demonstrates the Petitioner’s receipt of a first-place award at the 2015 National Championship [REDACTED] it does not contain, for example, evidence that this event is organized by an entity with a national reputation, or evidence that the competition is affiliated with a national association or federation in the Petitioner’s sport. While promoted as a “national championship” that draws competitors from throughout Argentina, the record reflects that there are other downhill longboard competitions similarly billed as “national championships” in the sport, held annually in other locations with different local organizers and sponsors.<sup>2</sup> Therefore, the fact that the event is promoted as a “national championship,” without further context, is insufficient to demonstrate that its prizes are nationally recognized in the sport. The Petitioner himself does not mention this award among the “sports achievements” listed in his resume.

In sum, while both the organizer and the event sponsor indicate that the National Championship of [REDACTED] is nationally recognized and attracts national media attention, the record lacks corroborating contemporaneous evidence of the claimed recognition and media coverage. The statements of the organizer and sponsors, without more, are insufficient to satisfy the Petitioner’s burden to show that his award at this event satisfies all elements of the plain language of the criterion at 8 C.F.R. § 204.5(h)(3)(i). Accordingly, we withdraw the Director’s determination that the Petitioner satisfied this criterion.

*Documentation of the individual’s membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.*  
8 C.F.R. § 204.5(h)(3)(ii)

The Petitioner initially claimed to meet this criterion based on his memberships in the Argentine Longboard Association (AAL) and the International Downhill Federation (IDF).<sup>3</sup>

With respect to the AAL, the record contains evidence that the association was established in 2011 and recognized by the Argentine Confederacy of Sports in 2021. The Petitioner initially provided a September 2023 letter from AAL President Martin Hernandez Elizalde, who describes the Petitioner as “a high performance athlete affiliated to” the association. The letter praises the Petitioner’s successes as an athlete and highlights his experience as a judge in competitions but does not address the AAL’s membership requirements or otherwise explain how the Petitioner’s admission to the AAL satisfies the plain language of the criterion at 8 C.F.R. § 204.5(h)(3)(ii).

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<sup>2</sup> As noted, the Petitioner indicates that he placed second at the [REDACTED] National Championship” in 2012, but did not pursue his initial claim that this was a nationally or internationally recognized award when responding to the RFE.

<sup>3</sup> In his resume, the Petitioner states that he was a member of IDF from 2013 until 2017 and a member of AAL in 2023.

In a second letter submitted in response to the Director's RFE, Mr. Hernandez Elizalde states that "affiliated members" such as the Petitioner "must demonstrate outstanding achievements in Longboarding to the Board Committee to gain admission," and that this committee is "comprised of experts in the field of longboarding." Mr. Hernandez Elizalde identifies three members of this committee, noting that they include the current head coach of the Argentine Downhill National Team, the AAL's treasurer, and an individual who "organizes permits for competitions and selects judges and jurors for each event." Finally, he states that the Petitioner "obtained this membership due to his extraordinary achievements and contributions to the sport of longboarding."

While the AAL's president indicated in his second letter that the association requires "outstanding achievements" of its affiliated members," his statement is not sufficiently corroborated by other evidence in the record. The record contains copies of the AAL's statute and "meeting act." According to article 5 of the statute, the association admits active members, adherent members affiliated members and honorary members. Mr. Hernandez Elizalde refers to the Petitioner as an "affiliated member." We note that "active members" are those who "wish to collaborate with the fulfillment of the Association's purpose," are over 18 years old, and must, "at the sole discretion of the Assembly of Members," be able to make the necessary contributions for the Association to fulfill its purpose" as described in the statute. Based on the AAL's statute, other categories of members, including "affiliated members," have fewer rights and benefits than "active members" and it is unclear what role, if any, the assembly of members, has in reviewing their qualifications. Neither the submitted statute nor the AAL's "meeting act" indicate that applications for membership are decided by a "Board Committee" comprised of experts, as stated in Mr. Hernandez Elizalde's letter. The meeting act lists the "assembly of members" and "board of directors" as separate entities within the association, with the former exercising discretion to admit active members.

Based on the requirements for membership stated in AAL's statute and meeting act, the record does not support a determination that membership in the AAL requires outstanding achievements, as judged by national or international experts, as a condition for membership.

With respect to his membership in the IDF, the Petitioner submitted a screenshot from the "Members" page of the federation's website as evidence that he has an IDF membership number. He also provided a copy of the IDF's statute. According to article 6 of the statute, prospective members must address applications for membership to the IDF board of directors which "decides on membership at its discretion." Members are required to pay an annual membership fee and "adhere to the statutes and the specifications." However, the evidence does not establish the IDF's requirements for membership or indicate what factors or criteria are considered by the board of directors when making membership decisions. Further, the statute indicates that board members are elected every two years by the association's members; neither the statute nor other evidence in the record indicates that persons on the board are recognized national or international experts in downhill sports. Therefore, the evidence does not demonstrate that IDF requires memberships to have outstanding achievements, as judged by national or international experts in the field.<sup>4</sup> For the reasons discussed, the Petitioner did not demonstrate that he satisfies the criterion at 8 C.F.R. § 204.5(h)(3)(ii).

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<sup>4</sup> Although the Petitioner addressed the membership criterion at 8 C.F.R. § 204.5(h)(3)(ii) in his response to the Director's RFE, he did not address or submit any supplementary evidence related to his membership in IDF.

*Published material about the individual in professional or major trade publications or other major media, relating to the individual's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation.* 8 C.F.R. § 204.5(h)(3)(iii).

In evaluating evidence submitted under this criterion, USCIS first determines whether the published material relates to the person and their work in the field for which classification is sought. Evidence may include print or online newspaper or magazine articles or transcripts of audio or video coverage of the person and the person's work, and must include the required title, date, author and any necessary translation. *See generally* 6 USCIS Policy Manual, *supra*, at F.2(B)(1). Second, we evaluate whether a publication is a professional publication, major trade publication, or major media. Relevant factors include the intended audience of the publication (for professional and major trade publications) and the relative circulation, readership or viewership (for major trade publications or other major media. *Id.*

The Petitioner's initial evidence included nine exhibits in support of this criterion. This evidence included three magazine articles from the print editions of *Caras*, *Gente* and *Longway*; four online articles including one from the IDF website and three from the website *Rock N Board* ([www.rocknboard.com](http://www.rocknboard.com)); and screenshots and transcripts from two video interviews that appeared on the television channels Canal de la Ciudad Abierta and Ciudad Magazine.

In the RFE, the Director advised that the submitted evidence did not meet the requirements at 8 C.F.R. § 204.5(h)(3)(iii), noting that some articles were missing required information such as the names of authors and/or the dates of publication. The Director acknowledged that the Petitioner submitted general background and historical information for some of the publications but advised that he did not submit sufficient corroborating information, such as relative or comparative circulation statistics or information about the intended audience, to demonstrate that the articles or interviews were published in professional or major trade publications or other major media. The RFE emphasized that evidence submitted in support of this criterion should be specific to the media format in which it was published, noting that if an article was published in print, evidence relating to circulation or readership should relate to the printed publication.

In response to the RFE, the Petitioner solely addressed the published materials from *Caras* and *Gente* magazines, and his interview on Ciudad Magazine, which is described as a "subscription TV channel" in Argentina.<sup>5</sup> In the decision, the Director stated the Petitioner met this criterion based on evidence that he was interviewed in "major media outlets in 2012 and 2023" but did not specify which published materials were deemed to satisfy the plain language at 8 C.F.R. § 204.5(h)(3)(iii). For the reasons provided below, we will withdraw the Director's determination that the Petitioner satisfied this criterion.

With respect to the article published in *Caras* magazine in 2023, the record reflects that the article is about the Petitioner and relates to his work in the field. The Petitioner submitted a *Wikipedia* article with background information about this publication, and evidence relating to the publication's social

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<sup>5</sup> The Petitioner did not contest the Director's determination that the initial evidence was insufficient to demonstrate that the articles or interviews appearing in *Longway* magazine, the IDF website, *Rock N Board*, and Canal de la Ciudad Abierta, did not satisfy all elements of this regulatory criterion. Accordingly, we will not address this evidence further. Nevertheless, we have reviewed all evidence submitted in support of this criterion and agree that the initial evidence related to these six published materials did not meet all elements of the criterion at 8 C.F.R. § 204.5(h)(3)(iii).

media presence.<sup>6</sup> However, he did not submit objective evidence, such as relative circulation data for the print edition of the magazine from a reliable independent source, to demonstrate that it qualifies as a major media publication in the country of publication. Further, the evidence did not establish that the magazine, described as a “celebrity and women’s magazine,” is a professional or major trade publication based on its intended audience.

In response to the RFE, the Petitioner submitted a letter from an executive director at Editorial Perfil, the publisher of *Caras*. The letter states that *Caras* is “one of the most widely read and circulated publications in Argentina,” reaching 30,000 readers per printed magazine.<sup>7</sup> The Petitioner also provided the magazine’s “digital metrics” sourced from Google Analytics. However, the record lacks evidence of the *relative* circulation statistics for the print edition of *Caras* magazine compared to other similar publications and therefore does not demonstrate that the magazine qualifies as major media based on such statistics. The submitted digital metrics and social media data are insufficient to support the publisher’s claim that the print edition magazine is “one of the most widely . . . circulated” in Argentina.

The Petitioner’s initial evidence included an article about him published in the [ ] 2023 print edition of *Gente*, a monthly magazine published in Argentina. The Petitioner also submitted a *Wikipedia* article about the magazine’s background and history, evidence regarding its following on social media, and web traffic statistics published by the website *Semrush* ([www.semrush.com](http://www.semrush.com)). According to these statistics, the magazine’s website, [www.revistagente.com](http://www.revistagente.com), had a country rank of 1,467 as of December 2023 and a global rank of 86,550. The Petitioner did not provide comparative circulation statistics for the magazine’s print edition or evidence that the article about him was published on the magazine’s website.

In response to the RFE, the Petitioner submitted a letter *Gente*’s publisher, Grupo Atlantida, which states that the magazine is “one of the most recognized Argentinian entertainment magazines” with “an average audience of 80,000 readers per printed edition.” The RFE response also included excerpts from the publisher’s media kit which highlight *Gente* magazine’s online presence and social media following. However, the RFE response did not include relative circulation data for the magazine’s print edition and therefore did not establish that it qualifies as major media based on its comparative circulation.

Finally, with respect to the Petitioner’s interview on the television channel Ciudad Magazine, the Petitioner submitted screenshots from YouTube and a transcript of his interview on the program [ ]. The Petitioner’s initial evidence included a *Wikipedia* article with background information regarding this Ciudad Magazine and screenshots from the channel’s social media pages. In response to the RFE, the Petitioner submitted a letter from the creative producer of [ ], which describes this program as a “renowned” morning show that is a “prominent source of entertainment and information for the local audience.” According to the letter, the Ciudad Magazine channel reaches an average of 300,000 viewer per day, while [ ] averages 3.0 ratings points on television and reaches “a current audience of 5 million visitors adding all platforms.” However, the record did not include supporting evidence regarding the program’s relative rankings and

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<sup>6</sup> As there are no assurances about the reliability of the content from this open, user-edited Internet site, information from *Wikipedia* will be accorded minimal evidentiary weight. See *Badasa v. Mukasey*, 540 F.3d 909 (8th Cir. 2008).

<sup>7</sup> The letter also lists international circulation figures for the magazine, but those figures appear to include the magazine’s Portuguese language version.



viewership compared to other television programs, or evidence to corroborate the figures provided in the producer's letter.<sup>8</sup>

For the reasons discussed, the Petitioner did not demonstrate that the articles about him appeared in professional or major trade publications or other major media. Therefore, we conclude that he did not satisfy the criterion at 8 C.F.R. § 204.5(h)(3)(iii).

## B. Summary of Evidentiary Criteria

The Petitioner claimed that he meets the evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(v). The record supports the Director's determination that the Petitioner satisfied the judging criterion at 8 C.F.R. § 204.5(h)(3)(iv). However, for the reasons discussed, we withdraw the Director's determination that the Petitioner met his burden to demonstrate that he has received lesser nationally or internationally recognized awards or prizes and that he has been the subject of published materials in major media, under 8 C.F.R. § 204.5(h)(3)(i) and (ii). Further, the record supports the Director's determination that the Petitioner did not satisfy the membership criterion at 8 C.F.R. § 204.5(h)(3)(ii).

Therefore, as the Petitioner demonstrated that he met only one of the four criteria at 8 C.F.R. § 204.5(h)(3)(i)-(iv), we need not address and hereby reserve discussion of the remaining claimed criterion at 8 C.F.R. § 204.5(h)(3)(v). *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where the applicant did not otherwise meet their burden of proof).

## C. Final Merits Determination

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten criteria. As a result, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. Nevertheless, we advise that we have reviewed the record in the aggregate and agree with the Director's determination that it does not support a finding that the Petitioner has established the level of expertise required for the classification sought.

The Petitioner indicates that he intends to train and compete as a downhill longboard athlete in the United States. Therefore, he must demonstrate that he has achieved sustained national or international acclaim as a competitive athlete. As discussed, the Petitioner sufficiently documented his receipt of two medals in competitions held in Argentina in 2011 and 2015. While statements in the record, and to some extent the submitted media articles, mention his results in competitions and generally reference his "global rankings" the record contains limited supporting evidence documenting his career as a competitive athlete. For example, the Petitioner's resume indicates that he participated in world championship and world cup events held in Argentina, Peru, Czechia, Brazil, Australia, Germany, France, and the United States between 2011 and 2015, with finishes as high as fourth place. However, the record lacks any primary evidence of his results and does not contain sufficient evidence

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<sup>8</sup> The submitted screenshot from the Petitioner's interview, published on Ciudad Magazine's YouTube channel, shows that the channel has 218,000 subscribers and that the [REDACTED] 2023 episode of [REDACTED] on which he appeared was viewed on YouTube approximately 19,300 times at the time the screenshot was printed.

to support claims that he achieved and sustained a high ranking among athletes in his sport based on his performance in national or international competition.

Further, we emphasize that even if the record supported a determination that the Petitioner achieved a high ranking in the sport in the past, we note that the Petitioner has not indicated or documented his participation as a competitor in any downhill longboard event since 2015, nine years prior to the filing of the petition. The Petitioner nevertheless claims he has achieved sustained recognition for both his earlier achievements in the sport, and his ongoing contributions to its development. The record demonstrates that the Petitioner won at least two medals early in his career, was granted membership in two associations in his sport, has received some media attention, and has judged two competitions, but has not shown “through extensive documentation” that he has achieved sustained national or international recognition for his achievements. *See* section 203(b)(1)(A) of the Act.

According to media articles and reference letters, the Petitioner gained recognition as one of the first Argentine downhill longboarders to participate in international competitions starting in 2011 and has inspired other athletes in his country. The record also highlights his reputation as an “ambassador” of the sport for Argentina, a recognition he received based on his early participation in world cup events, but also based on his contributions to organizing events in Argentina, active involvement in the AAL, and his service as a judge for downhill longboard competitions held in his home country. The Petitioner’s resume highlights that he has provided “technical and logistical support” for the AAL, participated in designing a longboard track in Buenos Aires, assisted in the planning world tours for other Argentine athletes, participated in sports clinics, and consulted with South American longboard companies on product development. The record reflects that the Petitioner has remained active in the promotion and development of the sport in Argentina and is recognized within the Argentine longboarding community for his dedication and past achievements. However, as noted, the Petitioner has not documented his participation in or results from any competitions in his sport since 2015. The record does not demonstrate that he has achieved sustained national or international acclaim based his past athletic achievements, such that he is currently recognized as being among the top athletes in the sport.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing toward the top. USCIS has long held that even athletes performing at the major league level do not automatically meet the “extraordinary ability” standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm’r. 1994). Here, the record does not demonstrate, by a preponderance of the evidence, that the Petitioner has achieved sustained national or international acclaim and is among the small percentage at the top of his field. *See* section 203(b)(1)(A)(i) of the Act; 8 C.F.R. § 204.5(h)(2).

### III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated his eligibility as an individual of extraordinary ability. The appeal will be dismissed for the above stated reasons.

**ORDER:** The appeal is dismissed.